

### **REMARKS**

Applicants have carefully reviewed the Office Action mailed May 23, 2008, and thank Examiner Diaz for his detailed review of the pending claims. In response to the Office Action, Applicants have amended claim 1 as discussed below. Claim 9 has also been amended to correct a typographical error. By way of this amendment, no new matter has been added. Accordingly, claims 1-19 remain pending in this application. At least for the reasons set forth below, Applicants respectfully traverse the foregoing rejections. Further, Applicants believe that there are also reasons other than those set forth below why the pending claims are patentable, and reserves the right to set forth those reasons, and to argue for the patentability of claims not explicitly addressed herein, in future papers. Applicants respectfully request reconsideration of the present application in view of the above amendment, the new claims, and the following remarks.

### **Specification**

The disclosure was objected to because the specification referenced the claims. The specification has been amended to delete the reference to the claims. Accordingly, withdrawal of this objection is respectfully requested.

### **Claim Objections**

Claims 1 and 7 were objected to due to informalities. Claims 1 and 7 have been amended to correct the informalities. Accordingly, withdrawal of this objection is respectfully requested.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1-14 were rejected under 35 U.S.C. 102(b) as being anticipated by Okubo. Applicants respectfully traverse the rejection.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or

inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 1 has been amended to include the recitation of “wherein each of the first shift and the second shift rail include a flat side, and a trough-like depression extending through the flat side thereby defining a reduced wall area, and wherein each reduced wall area includes an aperture formed therein for use as an interlocking element.” Support for the newly added recitation can be found in, at least, page 9, lines 3-15 and FIG. 8.

The Examiner contends that Okubo teaches shift fingers 12 and 13. However, the fingers 12 and 13 of Okubo do not include “a flat side, and a trough-like depression extending through the flat side thereby defining a reduced wall area, and wherein each reduced wall area includes an aperture formed therein for use as an interlocking element.” Accordingly, Okubo does not teach or suggest the recitations of independent claim 1.

Dependent claims 2-14 teach independently patentable subject matter, although they are also patentable merely by being dependent on an allowable base claim. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 6, 7, 10, 11, and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Okubo. Applicants respectfully traverse the rejection.

Claims 15-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Okubo in view of Myers (US Patent 4,829,001). Applicants respectfully traverse the rejection.

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). M.P.E.P. § 2143.03. Accord. M.P.E.P. § 706.02(j).

The remarks presented above with respect to the §102 rejection are equally applicable here. Specifically, the inadequacy of Okubo to teach every element of independent claim 1 is also fatal to the §103 rejections. Additionally, Myers does not teach the above referenced recitation, and therefore, cannot make up for the inadequacy described above. Therefore, the combination of Okubo and Myers, or Okubo alone, cannot teach every recitation of independent claim 1, as required in *In re Royka*. Furthermore, dependent claims, 6, 7, 10-12 and 15-19, being dependent upon independent claim 1, are patentable by being dependent on an allowable base claim. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

### CONCLUSION

In view of the above amendment and remarks, the pending application is in condition for allowance. If, however, there are any outstanding issues that can be resolved by telephone conference, the Examiner is earnestly encouraged to telephone the undersigned representative.

It is believed that any additional fees due with respect to this paper have already been identified in any transmittal accompanying this paper. However, if any additional fees are required in connection with the filing of this paper that are not identified in any accompanying transmittal, permission is given to charge our Deposit Account No. 18-0013, under Order No. 65856-0061 from which the undersigned is authorized to draw. To the extent necessary, a petition for extension of time under 37 C.F.R. §1.136 is hereby made, the fee for which should also be charged to this Deposit Account.

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Respectfully submitted,

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